

**Notice of Allowability**

Application No.

10/719,068

Examiner

Edward J. Dudek

Applicant(s)

PAXIE ET AL.

Art Unit

2186

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 05 March 2007.
2. ☒ The allowed claim(s) is/are 2,3 and 5-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

This Office Action is responsive to the amendment filed in application #10/719068 on 05 March 2007.

Claims 2-3 and 5-48 are pending and have been presented for examination.

#### ***Response to Arguments***

Applicant's arguments, see page 14, filed 05 March 2007, with respect to the specification objections have been fully considered and are persuasive. The objections to the specification have been withdrawn.

Applicant's arguments, see page 14, filed 05 March 2007, with respect to claim 4 have been fully considered and are persuasive. The objection of claim 4 has been withdrawn.

Applicant's arguments, see page 14, filed 05 March 2007, with respect to claim 15 have been fully considered and are persuasive. The rejection of claim 15 under 35 U.S.C. 112 second paragraph has been withdrawn.

Applicant's arguments, see page 14, filed 05 March 2007, with respect to claims 1, 4-9, 14, and 16-18 have been fully considered and are persuasive. The rejection of claims 1, 4-9, 14, and 16-18 under 35 U.S.C. § 102(b) has been withdrawn.

Applicant's arguments, see page 14, filed 05 March 2007, with respect to claims 1, 4, and 16-17 have been fully considered and are persuasive. The rejection of claims 1, 4, and 16-17 under 35 U.S.C. § 103(a) has been withdrawn.

***Allowable Subject Matter***

Claims 2-3 and 5-48 are allowed.

The following is an examiner's statement of reasons for allowance: the art of record does not teach or fairly suggest a method of creating a new partition where a partition is created in an area and only the available sectors are allocated to the new partition. Then periodically checking to see when the unavailable sectors in the area become available, or when a file closes and makes them available, and allocating the newly available sectors to the new partition that was just created.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Dudek whose telephone number is 571-270-1030. The examiner can normally be reached on Mon thru Thur 7:30-5:00pm Sec. Fri 7:30-4 pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Edward Dudek  
May 21, 2007



MATTHEW KIM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100